



Security Council

Distr.: General
8 October 2002

Original: English

Letter dated 7 October 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 5 June 2002 (S/2002/639).

The Counter-Terrorism Committee has received the attached supplementary report from Bangladesh, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(Signed) **Jeremy Greenstock**

Chairman

Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism



Annex

Letter dated 3 October 2002 from the Permanent Representative of Bangladesh to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to submit, further to our report of 18 January 2002 and with reference to your letter of 28 May 2002, a supplementary report on measures taken by the Government of Bangladesh pursuant to the provisions of Security Council resolution 1373 (2001) on international terrorism (see enclosure).

(Signed) Iftekhar Ahmed Chowdhury
Ambassador

Permanent Representative of Bangladesh to the United Nations

Enclosure

Supplementary report of Bangladesh on implementation of Security Council resolution 1373 (2001)

The following is the additional information from and comments of the Bangladesh Government in response to communication dated 28 May 2002 addressed to the Permanent Representative of Bangladesh to the United Nations by the Chairman of the UN Counter-terrorism Committee (CTC).

Sub-paragraphs 1 (a), (b) and (d)

Point 1. Could Bangladesh please indicate how it complies with and proposes to comply with the requirements for each of the sub-paragraphs of paragraph 1? Please provide answers for each of the sub-paragraph, with a description of the relevant clauses or existing or proposed laws that ensure compliance.

The objectives and requirements of the paragraph 1 of resolution 1373 (2001) are covered by the "Money Laundering Act, 2002" enacted on 5 April 2002. As indicated below, other statutes and laws confer wide powers to the Government of Bangladesh for the control of financing of terrorism.

The Government of Bangladesh is now in the process of inter-ministerial consultations with a view to acceding to the International convention for the Suppression of the Financing of Terrorism.

Point 2. Are non-resident persons and entities allowed to hold funds in Bangladesh financial institutions?

Non-resident persons or firms can maintain foreign currency accounts in Bangladesh. Non-residents can maintain accounts in local currency for specific legitimate purposes, including, for instance for the purpose of investment.

Point 3. What laws and practical controls and surveillance measures exist to ensure that funds and other economic resources collected for religious, charitable or cultural purposes are not diverted for other purposes, particularly for financing terrorism?

Prior approval of the government is mandatory to receive donations from abroad as per Foreign Donations (Voluntary activities) Regulation Ordinance, 1978. The existing rules of the country also do not permit to mobilize funds (donations or other similar funds) for making remittances outside the country. There is strict Central Bank supervision to identify and monitor unusual and unwarranted transactions in the individual account.

The supervision and control of foreign donations, activities of NGOs, voluntary societies or other similar entities fall within the purview of the NGO Affairs Bureau, which is under the Prime Minister's Office. Donation from any foreign source can be accepted only with the expressed written approval of the NGO Bureau. The maintenance of bank accounts pertaining to this class of entities and transfer of money from one to another account or bank requires expressed written permission of the Government. After the terrorist attacks of September 11, 2001, any new activity by this group of entities has to be expressly cleared by the local authorities where the activity is carried out, viz. by the

Deputy Commissioner in case of districts. The Ministry of Finance and the Bangladesh Bank also have wide supervisory powers in the area given by the Foreign Exchange Regulation Act, 1947.

Point 4. Are financial institutions, other intermediaries (e.g. lawyers) and other natural or legal persons required to report suspicious transactions to the relevant authorities? What penalties apply to those who omit to report?

Under the new Money Laundering Act, 2002, steps are underway to instruct all banks and financial institutions to report any suspicious/unusual transactions immediately in a prescribed manner. As per Section 19 (4) of the aforementioned Act, if the institutions fail to do so, it may be subjected to a penalty up to Taka one hundred thousand, with a minimum of Taka ten thousand.

Sub Paragraph 1 (c)

Point 5. The report states that the banks operating in Bangladesh were advised to monitor, freeze and report on accounts lined to terrorist organizations. Please outline the relevant provides of the laws that authorized such action.

Bangladesh Bank has no direct legal authority to instruct any bank to freeze any account. If any account is required to be frozen, a court order is obligatory. To collect information about any account or transaction of a bank, provisions of Section 19 (2) of the Foreign Exchange Regulation Act, 1947 and Section 36 (2) of Bank Companies Act, 1991 are applied.

Paragraph 2

Point 6. Please outline the relevant existing legal provisions or administrative arrangements that enable Bangladesh to comply with each of the sub-paragraphs of paragraph 2.

Mobility of unwanted persons is prevented by strictly restricting the cross-border movement of any person without proper documents of identity and valid travel documents. There are legal provisions in the existing law of Bangladesh to deal with persons involved in terrorist acts. The Bangladesh Rifles and Border Security Forces of neighbouring countries exchange information and intelligence on movement/activities of persons suspected persons.

Point 7. Please describe how Bangladesh applies border controls, with particular reference to the movement of terrorists across its borders.

Border patrol operations along territories of neighbouring countries are enforced to stop illegal cross-border movement. This including all suspected movements, including those involved or unexplained activities. Valid travel documents are required to move across the borders. Documents are checked and scrutinized by Immigration Department at the border checkpoints. Members of the customs department ensure provisions of the baggage rule. Activities of international check posts are monitored by a number of different security agencies. The Local and civil administration is also integrated in effecting border control.

The Special Powers Act, 1974 empowers the Bangladesh Government with wide ranging powers to detain suspected persons without necessarily showing expressed reasons. It was drafted with a view to control, prevent and preempt prejudicial activities including terrorism in all its forms and

manifestations. The schedule to this Act covers all offences under the "Arms Act" and "Explosive Substance Act." The provisions of these statutes covers a wide range of activities generally recognized as terrorist acts. The two statutes also provide for mandatory sentencing, including death penalty, for certain category of offences.

Point 8. Please define the inter-agency mechanism for co-operation among the agencies responsible for financial trafficking, border control and narcotics.

Coordinated efforts are made by Bangladesh Rifles, Department of narcotic Control, Department of Immigration, Customs and Police to track persons involved in illegal activities including drug control and financing trafficking at the border. The departments meet at high policy making levels, as required, to coordinate issues requiring inter-agency coordination. Necessary directives to monitor specific activities to the implementing agencies follow.

The Ministry of Home Affairs under its Allocation of Business covers, *inter alia*, the following subjects:

- a. Movement of registration of aliens
- b. Border control and immigration
- c. Narcotics control and prohibition

Bangladesh Rifles (BDR), Bangladesh Police and Immigration authorities all come under the Ministry of Home Affairs. In the present Allocation of Business there is built-in mechanism for coordination as it falls under the same Ministry.

Sub-paragraph 3 (a), (b), (c)

Point 9. Please explain how Bangladesh proposes to comply with the requirements of each of these sub-paragraphs.

Strict compliance and proper enforcement of the existing laws and regulations in Bangladesh is deemed to be sufficient to prevent the commission of acts of terrorism and suppress terrorist acts or bring perpetrators of such acts to justice.

Sub-paragraph 3 (c)

Point 10. Has Bangladesh concluded any bilateral treaties on terrorism-related matters? If so, please provide a list of the countries concerned.

Bangladesh is a party to the SAARC Regional Convention on the suppression of terrorism, done at Kathmandu in 4 November 1987. The Convention provides *inter alia* that the extraditable offences listed therein shall be deemed to be included if not already listed as extraditable offence in any extradition treaty existing between contracting states. Where a contracting state makes extradition conditional on the existence of a treaty receives a request for extradition from another contracting state with which no extradition treaty exists the requested state may consider this convention as the basis for extradition in respect to the listed offences. Other than Bangladesh, the Parties to the convention are the Kingdom of Bhutan, Republic of India, Republic of Maldives, the Kingdom of Nepal, the Islamic

Republic of Pakistan and the Democratic Socialist Republic of Sri Lanka. Bangladesh has also concluded an extradition treaty with the Kingdom of Thailand, which covers terrorism-related matters.

In the light of global developments following September 11, 2001, the Foreign Ministers of SAARC have proposed a supplementary protocol to strengthen the SAARC Regional Convention for suppression of terrorism.

Sub-paragraph 3 (d) and (e)

Points 11 & 12. The CTC would welcome a report, in relation to the relevant international conventions and protocols relating to terrorism, on the progress made by Bangladesh in:

- *becoming a party to the instruments to which it is not yet a party; and*
- *Enacting legislation, and making other necessary arrangements, to implement the instruments to which it has become a party.*

Bangladesh is a party to the following three conventions:

- a. Tokyo convention on Offences and Certain Other Acts committed on Board Aircraft;
- b. The Hague Convention for the Suppression of Unlawful Seizure of Aircraft; and,
- c. Montreal Convention for the Suppression of Unlawful Acts of Safety of Civil Aviation.

The Bangladesh Government is actively considering ratification/accession to, inter alia, the following conventions:

- a. 1988 Protocol to the Montreal Convention;
- b. Convention for the Prevention and Punishment of Crime against internationally Protected Persons, including Diplomatic Agents;
- c. Convention Against Taking Hostages;
- d. 1977 International Convention for the Suppression of Terrorist Bombings;
- e. International convention for the Suppression of the Financing of Terrorism.

Bangladesh is examining at the technical level enacting legislation where necessary in implementing instruments to which it is a party or about to become one. It is relevant in this context to refer to the provisions of the Bangladesh Act no. LVIII of 1974 entitled *An Act to consolidate and amend the law relating to the extradition of fugitive offenders*. This law enables the Bangladesh Government by a simple gazette notification to designate a non-treaty State to which the provisions of the Act will apply. The Act also empowers the Bangladesh Government by simple executive gazette notification to specify the offences in respect of each State, treaty or non-treaty, the offences to which the provisions of the Act will apply. It is the view of the Bangladesh Government that because of the powers granted to the Bangladesh executive under the said statute implementing legislation may in many cases not be called for.

Bangladesh is carrying out consultations with the SAARC countries and other countries of the Commonwealth on harmonizing draft implementing legislation before submission to the Bangladesh parliament.

Sub-paragraph 3 (f) and (g)

Point 13. Please describe the legal and other measures in place to ensure compliance with the requirements of these two sub-paragraphs and outline the relevant clauses of the legislative provision.

This has been covered in the paragraph above.

Point 14. Please provide a list of countries with which Bangladesh has concluded bilateral treaties on extradition.

In addition to Thailand as mentioned above, Bangladesh has reciprocal arrangement with United Kingdom for the extradition of offenders under the provisions of the Bangladesh Act of 1974. As earlier mentioned, such arrangements can be established through executive notification, particularly in respect of Commonwealth countries.

Point 15. Please explain whether claims of political motivation are recognized as ground for refusing extradition of alleged terrorists.

The Act of 1974 entitled *An Act to consolidate and amend the law relating to the extradition of fugitive offenders* provides that no fugitive offender shall be surrendered where the requisition for such surrender has been made with a view to the offender being tried or punished for an offence of a political character. So far, the application or otherwise of this provision has not been tested in respect of extradition of alleged terrorists.

Article 1 of the SAARC Convention has expressed provided a number of internationally defined terrorist offences shall not be regarded as political offences. These include:

- a. An offence within the scope of the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on December 16, 1970;
- b. An offence within the scope of the Convention for the suppression of Unlawful Acts against the Safety of civil Aviation, signed at Montreal on 23 September 1971;
- c. An offence within the scope of the Convention of the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York on 14 December 1973;
- d. An offence within the scope of any Convention to which the SAARC member States concerned are parties and which obliges the parties to prosecute or grant extradition;
- e. Murder, manslaughter, assault causing bodily harm, kidnapping, hostage-taking and offences relating to firearms, weapons, explosives and dangerous substances when used as a means to perpetrate indiscriminate violence involving death or serious bodily injury to persons or serious damage to property;
- f. An attempt to conspiracy to commit an offence described in sub-paragraphs (a) to (e), aiding, abetting or counseling the commission of such an offence or participating as an accomplice in the offences so described.

Point 16. Has Bangladesh addressed any of the concerns expressed in paragraph 4 of the Resolution?

Bangladesh has already addressed most of the issues in the regional context through the treaties and arrangements with other countries in the region, details of which may be found in relation to the comments to the questions above.

Point 17. Could Bangladesh please provide an organizational chart of its administrative machinery, such as police, immigration control, customs, effect to the laws, regulations and other documents that are seen as contributing to compliance with the Resolution.

A graphic representation of the mechanisms in place has not been in place. However, an organizational chart with specific responsibilities and inter-linkages with the mechanisms is being attempted with the agencies concerned. This would be provided with a subsequent compliance report.
